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Repeat performance: is restorative justice another good reform gone bad?

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Given the current constellation of fiscal, moral, and logistical problems facing its corrections industry, the USA is on the cusp of a widespread penal reform movement. For the past 200-plus years, each US penal reform that intended to diminish penal practices resulted in widening the reach and deepening the roots of the nation's punishment system. The question asked here is: is the restorative justice movement in the USA headed the way of past benevolent penal reforms? A new type of social movement: the *regressive* social movement model is presented. Three past benevolent penal reforms – the penitentiary, the adult reformatory movement, and parole are dissected in order to formulate a regressive reform profile and tested against the restorative justice movement. Field research finds that a repeat performance of regressive reform is in progress. In each of the eight restorative justice movement, variables demonstrate characteristics evident in past benevolent penal campaigns, resulting in a redirection of the campaign's course.

Keywords: restorative justice; penal reform; social movements; net-widening; social change

Introduction: the times are ripe for reform

In the July 2010 5th edition of *The Nation*, Sasha Abramsky asks if the war on crime is coming to an end. He adeptly notes that the public coffers are empty, that our current punishment practices are financially draining, and that a national consensus is emerging believing that our penal practices are ethically questionable (in particular, concerns about racial disproportionalities and scale are becoming commonplace even amongst retributivists) and unsustainable. Therefore, he concludes that the USA is likely at the threshold of penal change. Abramsky is correct; penal reform campaigns are typically preceded by sociopolitical turning points: be they economic, ideological, moral, logistical, or otherwise and the USA is immersed in a stew of crises. Given the current constellation of fiscal, moral, and logistical problems, the USA is on the cusp of a widespread penal reform movement.

Restorative justice has been a burgeoning international movement for more than two decades and both the ideology and corresponding practices have taken root, in varying degrees, around the globe. Restorative justice practices can be found in all 50 states, scholarly work on restorative justice continues to proliferate, and as Abramsky illustrates, the popular press is participating enthusiastically in the

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discourse. For example, a January 2013 *New York Times* article was captioned: 'Can forgiveness play a role in Criminal Justice'. Though restorative justice has not infiltrated US society comprehensively, with penal reform moving to the front burner, this unfamiliarity may be about to change. Current events demand that restorative justice is the likely direction of corrections management.

For the past 200-plus years, each US penal reform that proposed to reduce what had come to be thought of as inhumane, ineffective, overly punitive, too expensive, or unjust penal practice resulted in widening the reach and deepening the roots of the punishment system. Benevolent penal reforms in particular have produced greater governmental ingress into the lives and communities of those being punished while swallowing an increasing number of people into the crime and punishment system(s). Not only do these campaigns fail to dismantle existing practices and ideologies, they add new punitive dimensions (ideas, practices, and traditions) to the very system they condemn and aim to unseat. The outcome has been an ever-expanding archipelago of punishments, disproportionately targeting poor people, people of color, and other marginalized people. Examples of this pattern include the penitentiary itself, the adult reformatory, the juvenile court, parole, and community corrections.

Many have deftly described and discussed this troubling phenomenon (Cohen, 1985; Foucault, 1977; Garland, 1990, 2001; Ignatieff, 1981; Pisciotta, 1994; Platt, 1977; Simon, 1993). Is the restorative justice movement headed the way of past benevolent penal reforms? This examination does not question the viability of restorative justice principles or cast dispersions on their power. On the contrary, the aim is to support the restorative justice movement by mapping out its current course in the hopes of avoiding past mistakes and directing it toward, meaningful change.

Restorative justice literature review

A great deal of the restorative justice literature defines what restorative justice is, mounting a case for why it is more desirable than traditional or retributive criminal justice practices, or discusses how it might be implemented (Braithwaite, 2002; Dyck, 2000; McCold, 2000; Strang & Braithwaite, 2000; Van Ness & Strong, 1997; Wozniak, 2003; Zehr, 1990). Critiques of restorative justice are common and specific (Clear, 2004; Daly, 2002; Daly & Immarigeon, 1998; Johnstone, 2003; Levrant, Cullen, Fulton, & Wozniak, 1999; McLaughlin et al., 2003; von Hirsch et al., 2003; Walgrave, 2003). Cunneen (2003) does an excellent job of organizing and mapping the prevalent critical perspectives on restorative justice. Scholarly concerns focus on a distinct set of practical or theoretical issues. These include queries about the distribution of power and the role of the state in restorative practices; questions regarding the legal rights of participants; the function of law in a restorative framework; the fairness of restorative outcomes; whether or how restorative justice might fit with existing ideas and practice; and the dangers of unbridled blind enthusiasm (Ashworth, 1993; Daly, 2002, 2003; Gavrielides, 2008; Johnstone, 2003; Lemley, 2001; Menkel-Meadow, 2007; Walgrave, 2003). These matters are essential to the expression of restorative justice and those of us serious about its promise must consider and ultimately address each of them. However, critiques of restorative justice must also examine the historical record.

Because restorative justice is understood by many to be unique (and extraordinary), there is the temptation to separate it from what is by now a long record of penal practice and history. Three recent comprehensive and excellent explorations of the restorative justice movement fail to highlight the distressing historical tradition of penal reforms as a key issue (Gavrielides, 2008; Menkel-Meadow, 2007; Walgrave, 2008). Historically oriented work is vitally important as it firmly places restorative justice where it belongs, in the context of benevolent reforms.

In 1999, *Crime and Delinquency* published the first article to address historically informed developmental questions central to the restorative justice movement. Levrant, Cullen, Fulton, and Wozniak ask if restorative justice will be another case of benevolence ‘corrupted.’ In a 2004 special issue of *Contemporary Justice Review*, Clear writes of his concerns for restorative justice given the failures of movements past. He notes, ‘good intentions do not matter’ as we have seen previous well-meaning campaigns ‘backfire.’ The question of restorative justice and its potential for the net-widening evidenced in past reforms is raised by several scholars (Boyes-Watson, 1999; Galaway & Hudson, 1996; Morris & Gelsthorpe, 2003; Johnstone, 2001). Griffin (2007) applies Cohen’s analysis of community corrections’ expansion of social control specifically to restorative justice diversion of juveniles in Ireland. Though he does not reach a definitive conclusion, he sounds a serious note of caution and demands that restorative justice enthusiasts be attentive to history and the troubling precedent of an expanding apparatus of social control.

Each of these concerned scholars are wise to be worried. The lessons of history are stark, good reforms turn very, very bad. On this there is consensus and it is meaningful that these thinkers have been daring enough to point this out to other enthusiasts eagerly aiming to ignite a restorative justice movement.

Empirical restorative justice generally evaluates participant satisfaction or rather assesses whether restorative justice ‘works.’ None of the important critiques penned to date clearly state whether or not the restorative justice movement is *already* moving in the direction of past efforts. Unlike other critiques, the pages that follow account for *how* it is that good reforms come to such objectionable ends and tests whether restorative justice reforms in the USA may follow the historical trend. If detected, these exact dangers can be dodged and the restorative justice movement reshaped or redirected. It is in this vein that restorative justice reformers can be party to a movement more likely to unseat rather than bolster the growing punitive prejudicial system it targets.

Methodology

Theory and structure: penal reforms as failed ‘regressive’ social movements

In order to test whether the restorative justice movement is traveling a course similar to past penal reform movements, I looked to the collective behavior social movement (CBSM) literature to anchor the study. Penal reform campaigns qualify as social movements though they have not been studied as such by either criminal justice or sociology. Regardless of the individual language choices or unique technical definitions found in CBSM scholars’ work, they clearly express shared ideas as to what constitutes a social movement – sustained collective or group action that reflects shared demands, aims at affecting some aspect of the social order, and

conflicts with the claims of another. '[S]ocial movements share a family resemblance rather than a fixed essence and their definition inevitably rests upon the fuzzy logic of ordinary language use' (Crossley, 2002, p. 7). Penal reform campaigns are most certainly members of this family. I understand penal reforms aimed at reducing the injustice or punitiveness as *failed* social change movements. Incorporating the work of social movement scholars represents a fresh approach to the issue of penal reform failure.

Existing social movements do not represent the unique course of benevolent penal reforms. Therefore, a new type of social movement: the *regressive* social movement is presented. The regressive movement advances through the five stages associated with social change campaigns (incipiency, coalescence, institutionalization, fragmentation, and demise) in a conventional manner, but come to ultimately exhibit a highly distinct outcome. By the time a regressive campaign's demise is fully realized, the movement itself (its actors, its tactics, its strategies, and its momentum) has taken the values and practices of the host society to a novel, and deeper level. Regressive social movements usually achieve considerable gains, including the institution of new practices and the creation of legislation as well as other substantive logistical changes that correspond to the campaign's stated agenda. Therefore, on the surface, it appears as if these movements are relatively successful. Yet, in their wake, society is more attached to, and entrenched in the very ideals the movement set out to supplant. In the final analysis, the changes brought about by the movement serve to move society backwards in the sense that the landscape is a more enhanced version of what it was earlier, before the start of the campaign, hence the classification *regressive*. It is my contention that benevolent penal reforms are regressive movements.

In order to analyze penal reforms, I identify eight dimensions integral to a social movements' character. This taxonomy draws from the CBSM literature. The field's discourse makes use of these concepts but the discrete specified categories named here are my own. I assert that they collectively and economically capture the general makings of a movement. They are: *conditions of the host society* (the sociopolitical landscape from which the benevolent penal reform movement is born); *carriers* (those who initiate and assemble the social change movement); *membership distribution* (the arrangement of those participating in the social movement); *early rhetoric* (the discussion at the *start* of movement – a review of the movement's ideology, objectives, demands, claims, and critiques of status quo as the movement evolves and comes into prominence); *repertoires* (the initial and primary ways and means by which a movement advances its aims, its tactical and strategic stance); *time to ubiquity* (how quickly the movement becomes institutionalized); *outcome* (what the penal landscape looks like at the movement's decline), and *the score* (an appraisal of traditional social movement (SM) success markers, gains and legitimacy, and an accounting of whether or not the movement was considered a failure in its day).

Initially, I examined three past benevolent penal reforms: the penitentiary, the adult reformatory movement, and parole, and in doing so came to formulate a *regressive reform profile* (RRP). This illustrates the makeup of these movements. A table and key diagramming the profile can be found in Appendix 1. The next step was to enter the field and explore whether the USA's restorative movement is exhibiting these characteristics. Such findings would affirmatively indicate that this latest

benevolent penal reform is traveling a regressive course and thus likely to expand punishment.

Sample

A note on place

While the restorative justice literature pool continues to grow, some key issues remain underexplored or totally neglected. A discourse that addresses the specifics of place, in particular the USA, is noticeably absent. Much restorative justice literature deals with countries other than the USA, or collapses localities without explicating any substantive geographic differentiation. Issues of race, religion, and scale make the USA a unique venue with regard to punishment. It is the most religious democracy, grows more heterogeneous by the day, and punishes at a rate not common elsewhere. There is absolutely no reason to expect that restorative justice will evolve the same the world over, no matter how cohesive the movement. Restorative justice may be an international phenomenon but the USA is unquestionably a unique landscape. Discussion and research pertaining to the USA is critical to any meaningful exploration or understanding of how a restorative campaign will mature here. Therefore, this study deliberately explores at the evolution and manifestation of the *United Statesian* restorative justice movement.

Selecting a sample: design and criteria

The very first ‘official’ victim-offender reconciliation project in the USA is identified as a 1978 program in Elkhart, Indiana, which replicated a Canadian program that had begun four years earlier (Zehr, 1990). Since then, a multitude of restorative justice programs have materialized throughout the USA. There is not, however, a centralized process to compressively catalog the breadth of nationwide restorative justice programs, practitioners, or practices. Therefore existing lists, while helpful, are not entirely reliable or representative. Furthermore, the diversity and approach of restorative justice programs vary widely. There is scant detailed information on how many people and places understand themselves to be participating in the restorative justice movement. After all, as its advocates routinely assert, restorative justice is not a practice or program but a set of principles that guide and inform our responses to criminal conflicts (Van Ness & Strong, 1997; Zehr, 1990).

Initially, the sheer volume and chaotic nature of the potential data pool appear unruly and overwhelming. It was, therefore, vital to develop a structured design that would be manageable *and* allow the casting of as wide a net as possible. The aim was to gather a sample, however small, that would capture the scope of the movement and reveal a representative picture of the dimensions and qualities of the restorative justice movement in the USA. To do this, a restorative justice typology was created. In studying restorative justice, there emerged several distinct ideological and logistical orientations that result in differently framed practices and programs. The typology is comprised of four categories:

Academic – these programs are developed and/or run by scholars. They are commonly funded by grants and usually associated with a university or college.

Religious – these programs are formally linked to faith-based organizations, more often than not churches. Those who develop and/or run these programs cite faith as the force that shapes their restorative work. Funding is secured from private donations, grants, and foundations.

Government – these programs are born of local, state, or national departments of corrections or other branches of the traditional criminal justice system. Those in charge of either creating or managing these programs are often criminal justice professionals long employed by the system. Funding is secured through the public coffers, grants, and foundations.

Community – these programs are generated by the work of social change community activists and are generally located within the community itself. Funding comes from a variety of sources. Formal associations (police departments, congregations, schools, etc.) if any, vary.

Three programs from each category were selected for an inclusive, organized, and manageable inquiry into the restorative justice movement. For a program to qualify for a particular category, it must *primarily* present as such, that is, the decision-making organ, mission statement, iconography (such as letterhead and web site imagery), and policies must be clearly driven by a community, government, religious, or academic foundation even if components of the other types are evident. Some overlap is unavoidable, especially since any program must secure the support of local government to gain access to victims and offenders. Nevertheless, delineation is possible and appropriate. These four categories are sufficiently exhaustive and exclusive. It is the essence of the program that determines its classification.

In order to sample 12 sites, introductory letters were sent to 36 different restorative justice programs, nine in each of the above-mentioned categories. A deliberately weighted sampling unit was used to pull together the initial study population. A concerted effort was made to include sites from around the country in order to control for the possibility of concentration in a singular geographical location. In addition, longstanding programs (in operation for multiple years) were targeted; those handling multiple cases (not the odd one or two a year, but sites with restorative justice systems in place); and settings or organizations that, though not directly involved in administering or conducting restorative justice practices per se, are active in forwarding the agenda of restorative justice (e.g. training, promotion, or research) and may thereby be considered sites of movement activity. If the first round of correspondence did not yield a sufficient sample, a second round was planned. This proved unnecessary, as the first mailing produced a representative sample.

Phone calls to program directors to whom the introductory letters were addressed followed. These calls addressed specific information regarding study participation. In particular, it was made clear that direct, first-hand access was desired, either through observation or participation or both, to that site's practices. Participation in the study included one-on-one interviews with those responsible for overseeing the organization, and with those who could recount the site's history and its initial development, and discuss current strategies and practices. The scope of inquiry and interview questions were to focus on the participants' thoughts regarding the restorative justice movement in the USA. Proceedings were not to be audio or video recorded but through the taking of field notes only. Also, the study's aim

of assessing the state of the restorative justice *movement*, in particular looking to evaluate specific movement properties, was reiterated and exhaustively explained so that participants understood that this was not an exploration of their specific program or restorative practices. The design included spending considerable time at each site. Thankfully, each site expressed intense interest and was eager to grant full access.

The final sample met some but not all of the study's original sample aims. There was some geographical clumping (many of the sites were in Midwestern states) though this was due more to financial and logistical restraints than issues related to access or site identification. Moreover, it proved easier to pinpoint sites in some categories than others. Two of the earmarked types, *academic* and *religious*, proved to be a challenge in that organizations or programs that were actually involved in some sort of restorative justice activity were not abundant. This is ironic as almost all initial searches (via internet search engines and academic publications) for restorative justice programs, practices, and information turned up religious or academic sites. In practice, many sites that met the typology criteria on paper were not actually in operation. Upon further investigation, the restorative rhetoric proved perfunctory; translating into little more than an acknowledgement sentence in an organizational brochure. While this is noteworthy, inclusion of these venues would have been meaningless. As a result, only two sites from each of these two categories were included in the final study sample. In contrast, there were a great many sites to choose from in the *government* and *community* categories. Considering the purpose of the study, to glean as full a picture of the restorative justice movement as possible, a total sample size of less than 12 seemed unreliable. To maximize study validity, I decided it was more important to have a sample of at least 12 sites rather than a uniform number of sites across all types. Therefore, the final sample included a total of thirteen sites, two *academic*, two *religious*, four *government*, and five *community*. Study participants were coded and all identifying characteristics withheld.¹

Inquiry

Research was conducted between Fall 2003 through Spring 2004. Data were collected primarily through participant observation and one-on-one interviews with key restorative justice stakeholders. At each site, considerable time, in some cases weeks, was spent surveying how that particular program or organization expressed restorative principles. Investigation included an examination of that site's written material (manuals, promotional tools, handouts, etc.), funding sources, and participants. It also encompassed observations of, and in many cases, participation in, that site's restorative justice practices, criminal event resolution, and training. Interviews with program directors, volunteers, past program participants, restorative justice pundits and practitioners were conducted at each site. No crime victims or offenders currently involved in resolving their particular criminal event were interviewed. The principal unit of analysis is the restorative justice *movement* itself and in particular, determining whether or not RRP characteristics are present.

Findings

There is a restorative justice movement

Both in the literature and in the field, there is a pervasive consensus that a restorative justice movement is underway. All but one of the 21 respondents (interviewee R-2J was the only exception) interviewed said s/he felt s/he was a part of a social change movement. Fifteen stated emphatically that they believed themselves to be involved and connected to an extended restorative justice movement. One, C-2M, said the possibility of a movement 'is there', and another, G-3M, said s/he was 'not sure.' Notably not a single interviewee referred to the movement as *international*, characterizing it instead as a local or national campaign. At least with regard to restorative justice, the majority operate within a national framework. Those on the front lines understand the movement to be 'growing and growing' (A-1P), to be 'huge' (C-4E), and to be unlike other penal reforms 'as it challenges justice on its face' (G-3M).

On more than one occasion, interviewees made reference to tensions between restorative justice scholars and restorative justice reformers/practitioners/activists. Participants asserted a strong distinction between those who are writing or lecturing about restorative justice (scholars) and those that are actually practicing it. Practitioners asserted that scholars were 'too pure' and that 'they don't get how it really is', while scholars noted that many so-called restorative justice programs were not *really* restorative in that they veered too far from restorative justice doctrine. These differences reveal the importance of conducting fieldwork, lest scholars be the only movement actors telling the restorative justice story.

Conditions of the host society – the restorative justice movement

The last quarter of the twentieth century and the first decade of the twenty-first century are marked by a punitive fever. Deterrence and just deserts are *the* pervasive themes shaping penal policy. Mandatory minimums, sentencing guidelines, truth-in-sentencing, zero tolerance, the erosion of parole, and three strikes legislation are all evidence of the fierce punitivity that is fervently thought (by most but a few notable dissenters) to deliver justice and reduce crime. In turn, the single greatest boom in prison construction facilitated this ideology. According to the Bureau of Justice Statistics, more than 7.3 million people are under correctional supervision.² With well over two million people behind bars, the USA incarcerates the highest percentage of its citizens than any nation on the globe. Meanwhile, this mass incarceration is not distributed equally. African-American and Hispanic males are far more likely to be incarcerated than their white counterparts. The fiscal consequences of the current penal policy are profound with '[s]tate correctional expenditures increas[ing] 145% in 2001 constant dollars from \$15.6 billion in FY 1986 to \$38.2 billion in FY 2001.'³ Incapacitation and strict enforcement are indicators of a well-established, popular, and widespread paradigm of punishment.

However, as we move into the second decade of the new millennium, the retributive tide may be about to recede. We are in the midst of a major fiscal crisis that challenges the continuation of punitive trends. Most states face significant deficits that demand a rethinking of public expenditures. Punishment, a major mounting expense, is ripe for cuts. The extreme scale of USA punishment has garnered scrutiny from across the political and ideological spectrum. Stark institutions and harsh

long-term punishments are being found by many to be inhumane, futile, damaging, wasteful, and generally ineffective. Support for the death penalty is likewise flagging as national debates about innocence and methods of execution take root. Questions are being raised as to whether juveniles should be treated as adults as well as the value of harsh juvenile justice practices. Racial disproportionalities have grown so stark they can no longer be ignored with many questioning the moral legitimacy of an unjust justice system. In 2009, the state of California was ordered to release at least one-third of all prisoners from unconstitutionally over-crowded prisons. There is an emergent call for penal policy to feature (return to) a rehabilitative agenda and a new catch phrase can be heard from both politicians and scholars: 'we've been tough on crime and *now* we must get *smart* about crime.' For the first time in a long time, the public is questioning both the utility and the morality of the nation's penal policies and practices.

These findings are consistent with the *conditions of the host* determined to be evident at the dawn of each historical benevolent penal reform studied. A penal system in which the boundaries are fixed (who is caught in the net and what is done to them is constant) and one that inspires disappointment, either because it does not 'cure,' resolve, or fix the problem of crime and criminality, or does not meet the social norms of decency regarding the treatment of human beings. I call this *Bounded & Disappointing Punishment System* (see Appendix 1).

Carriers

In order to assess the actors at the origin of the restorative justice movement in the USA, a brief examination of the literature is warranted. There is no question that the movement originated with the faithful. Howard Zehr, a practitioner, educator, and thinker is perhaps the movement's most influential voice. It is impossible to read or engage in restorative justice and not hear his name. He is the undisputed movement patriarch. For 19 years, he was the director of the National Criminal Justice Office of Mennonite Central Committee (MCC). It is from this professional position that he began his restorative work. With the publication of a 1985 pamphlet (published by the MCC), *Retributive Justice, Restorative Justice*, Zehr became the first person to put forth an 'integrated restorative justice model' and he is often credited with coining the term restorative justice (Marshall, 2003, p. 40). His 1990 book, *Changing Lenses*, produced a watershed moment for the restorative justice movement; it is difficult to find anyone involved with restorative justice who has not read it. Zehr's faith is part and parcel of his commitment to criminal justice reform and he makes it clear that religiosity led him to a restorative approach. 'Whether the thrust of the Bible is on retribution or restoration is not a marginal issue' (Zehr, 1990, p. 157). Whether inspiring or inspired by Zehr, the Mennonites have created and distributed an extraordinary amount of material on restorative justice and the church, and its congregations, play a major role in the campaign's development. Many historians assert that the penitentiary is a Quaker reform. We may yet see restorative justice come to be known as a Mennonite reform.

'Zehr's work was widely influential among the growing cohort of *converts* to [restorative] ideas' (Marshall, 2003, p. 40, emphasis added). In the USA, one such follower, critical to the emergence of the American restorative justice movement, is Mark Umbreit, professor and founding director of the Center for Restorative Justice

and Peacemaking at the University of Minnesota. In the late 1970s, under Zehr's leadership, Umbreit helped develop the country's first victim offender reconciliation program (VORP) in Indiana. Today, the Center for Restorative Justice and Peacemaking (CRJP), housed in the university's School of Social Work, provides technical assistance, training, and research for anyone interested in restorative justice practice and principles. Umbreit has also been a consultant for the Department of Justice in the USA (<http://www.restorativejustice.org/leading/umbreit>). He has authored numerous articles and books on restorative justice and remains a tireless advocate, making presentations, educating and training, and guiding restorative practices.

John Braithwaite, a preeminent social scientist who in 2006 was awarded the first Stockholm Prize in Criminology from the Swedish Ministry of Justice. His widely read book, *Crime, Shame, and Reintegration* made a strong impression on the evolution and articulation of restorative ideology and practice in the USA (1989). Braithwaite's main premise, that social control is most effective and meaningful if it is located in, and manifested by, the community, is at the heart of restorative justice discourse and practice.

In 1980, Daniel Van Ness, a self-identified devout Christian, was running a law practice out of his church. By that time, Charles Colson, former Nixon White House attorney and convicted felon, had found God (in prison) and created Prison Fellowship Ministries (PFM) an evangelical ministry that tended to inmates around the country. That same year, these two men met at a conference organized by PFM in response to a prison riot in New Mexico. By 1981, Van Ness changed his vocation and committed himself to working for penal reform, taking a lobbying and organizing job with Prison Fellowship. Shortly thereafter, he met Zehr and Umbreit and embraced restorative justice. Since that time, Van Ness, who remains at PFM, has devoted his efforts to this alternative to traditional criminal justice. In the early 1980s, Prison Fellowship began an initiative to explore public policy consistent with biblical justice and concluded that restorative justice was just such an approach. Together and individually, Van Ness, Colson, and Prison Fellowship Ministries have advocated, published, organized, and participated extensively in the restorative justice movement for over 20 years. While some take issue with PFM's zealous religiosity, and the way that it shapes their expression of restorative justice, there is no denying that it is responsible, in part, for carrying the movement.

Zehr, Umbreit, Braithwaite, and Van Ness have put a face, a language, and an ideology on the US restorative justice movement. In every interview conducted for this study, respondents brought up at least one of them. Institutions, such as the Mennonite Church, PFM, and the CRJP, supported these innovators and advanced their work. Early restorative justice adaptors were highly educated reformers, criminal justice professionals and scholars, politically experienced actors, and credentialed socially acceptable activists. This is the make-up of those who laid the foundation for the restorative justice movement.

In the restorative justice movement, those who initiate and assemble social change movements are religious, educated actors with access to power, means, and the penal system. They are not on the receiving end of punishment nor will they, or those like them, likely to be personally affected by the changes they advocate. These carriers are working *benevolently* to save, rescue, deliver, or heal the *other*. Their standing in society makes them credible to the host, they are legitimate from

the start. I term them *Holy Rollers, Credibles, Patrons, & Professionals* (see Appendix 1).

Membership distribution – the restorative justice movement

Mauss (1975) offers an elegantly simple and comprehensive model for arranging the parties who participate in collective action. He constructs a three concentric ring design (inner, middle, and outer). The present study employs this model to organize, identify, and account for those who take part in benevolent penal reform campaigns. The *outer ring* denotes the public who care about the movement; they are its ‘fair weather friends’. They are no less important than those more committed participants as they often provide resources crucial to a movement’s existence. The *middle ring* is made up of active movement members, often those of influence who provide a movement with legitimacy and acceptance. They are also usually willing to compromise. The *inner ring* contains the heart or core of the social movement. They are the principal leaders and those who are the movement’s most fervent and committed members.

Inner ring

The principal leaders of the restorative justice movement are scholars, criminal justice professionals (lawyers, district attorneys, social workers, psychologists, corrections-probation parole officers), and religious reformers. As the directors, volunteers, and participants at each study site recounted the history of their program, the same handful of names was mentioned. Though the form of contact varied (videos, conferences, publications, or direct trainings), the work of Zehr, Umbreit, and Bazemore is credited with seeding many of these restorative justice practice sites. These inner ring participants have also generated the seminal ideological and theoretical doctrines associated with the movement. Most participants at the core of the restorative justice movement have been directly involved in restorative practices as well as promoting the paradigm through publishing, public speaking (at universities, houses of worship, town halls, conferences), trainings, and logistical assistance. Along with Zehr, Van Ness, and Umbreit are Gordon Bazemore, Mara Schiff, Ron Classen, and Bruce Kittle.

Middle ring

Restorative justice activists located in the middle ring form a narrow federation and have a great deal of contact with those in the inner ring. Numerous criminal justice professionals can be found participating at this level including judges, district attorneys, wardens, probation officers, and social workers. Some of these actors participate in restorative justice as part of their work (G-4R, C-4E, G-2D, and G-3M) and others do so as volunteers or on the sly, quietly organizing and supporting programs behind the scene as was the case with C-1P, C-2M, and G-1J. Government-sponsored criminal justice agencies – Department of Corrections, Office of Juvenile Justice and Delinquency Prevention, National Institute of Corrections, Department of Justice – have also come to participate in and support the restorative justice movement. There are individuals operating on their own who are taken with the idea (having been exposed to the work of the inner ring) and have organized

locally to build programs in their geographic area (C-5A, A-2R, A-2D, A-1P, G-2D, and C-3J). The number of movement actors involved in training, a level of movement participation located in the middle ring, is on the rise as the movement becomes more formalized the need for uniform practices and certified practitioners increases. Another key group of participants are the volunteers who are essential players in most restorative justice processes. The ideology calls for a community presence and it is most often volunteers who fill this role. Crime victims, said to be at the heart of a restorative justice approach, are also becoming more active in the movement (this is the first benevolent penal reform in which crime victims are a meaningful and distinct constituency). Some programs (R-2) are directed by survivors of crime (R-2J) but more often than not, these actors are volunteers who give voice to the experiences of crime victims, participate in the resolution of their individual case, or testify on behalf of restorative justice at conferences or community groups.

A substantial number of formal organizations have arisen to support, forward, and conduct restorative justice. We see in the expanding middle ring the growing professionalization of restorative justice. With the help of the National Institute of Corrections, the Office of Juvenile Justice and Delinquency Prevention, the Mennonite Central Committee, and Prison Fellowship Ministries, the work of the movement's principle leaders continues to be disseminated. There are countless restorative justice web sites, a mounting stack of publications, and speakers advancing the restorative justice message. Restorative justice actors tend to be those who have earned stature legitimately – as educators, the faithful, professionals, and/or crime victims. As such, movement participants are increasingly well connected and engaged in alliances with power elite. The American Bar Association endorsed the paradigm in 1994 (2000b). The director of C-1 sits on local boards to nurture and maintain 'connections to powerful people who embrace restorative justice.' R-1 is a program that specifically targets politicians and is designed to capitalize on personal political connections and savvy. The first course of action C-5 took was to pull together a conference expressly targeting district attorneys, judges, other attorneys, probation and parole officers, and other noted community activists.

This close-knit ring represents the movement's base, a limited number of insiders who are well acquainted with, and frequently retained by, the traditional criminal justice system. Of the 13 sites examined, several had multiple organizational heads. Seven were run by criminal justice professionals (attorneys, probation officers, judges, prosecutors, or judicial aids); four headed by educators with doctorates; one is run by a former politician; two are directed by ex-convicts; eight have a select core of highly trained community volunteers (usually from local congregations and civic organizations); and two are run by crime victims. According to Mauss, the middle ring is made up of *active* movement participants, often people of influence, who provide legitimacy and acceptance. The majority of restorative justice movement participants fall into this category. This level of movement participation is thriving and continues to grow though it is characterized by insularity. Most restorative justice actors are separated by very few degrees of separation. Moreover, they resemble one another with regard to education, race, professional experience, and level of access to the traditional criminal justice system. These actors are not only advocates of restorative justice, but tend to be the very same people building, directing, and managing the innovations they champion.

Outer ring

In Mauss' model, the *outer ring* denotes the public that cares about the movement and, like the earlier benevolent penal reforms, restorative justice is a social change movement without much of a discernible third ring. Dissatisfaction with the current criminal justice system is rampant. If asked, the typical 'man-on-the-street' (if there is such a person), is likely to voice a litany of grievances. Yet, the restorative justice movement even with its staunch believers and champions with significant social status still has not captivated the general public. Only slightly more than half of the programs surveyed had been featured in their local media. Only one program, C-4, was sufficiently integrated into its community to the extent that those in the outer ring were aware of its existence. In the other locations, residents appeared to know of the program only if they were or had been directly involved. The funds that support the movement come almost exclusively from government and foundation grants; and actual participants in the movement come almost exclusively from either inside the penal system or from a pool of faithful and educated reformers, many of whom were already living lives of active civic participation.

These findings are consistent with the *membership distribution* evident in each of the previous historical benevolent penal reforms. In the restorative justice movement, membership encompasses a small group of actors generally located in Mauss's two inner rings. There is virtually no 'interested public' participating in the movement and the outer ring of the distribution is thin or imperceptible. I term this *Insular & Limited* (see Appendix 1).

Early rhetoric – the restorative justice movement

Restorative justice advocates have few compliments for the current punishment system. The system is critiqued from all angles and found wanting on all fronts. It is assessed as an ineffectual and inhumane method of resolving a criminal event and is said to fall short of achieving justice or satisfaction for anyone connected to or involved with a crime. Retribution, with its core ideal of revenge, is deemed dangerous. Ultimately, restorative rhetoric claims that retribution fails to address the profound suffering that accompanies a criminal event. Long prison terms are believed to be inhumane, cultivating more harm than they could ever relieve. The system, from the courts to correctional facilities, is overwhelmed and barely able to handle the never-ending rush of cases. Furthermore, the public has abdicated any role or responsibility of public safety and criminal justice. Those who champion restorative justice maintain that this abstention cannot possibly be in our interest.

Restorative justice enthusiasts point out that crime victims are left in the dust. Their pain and their needs are inconsequential to the justice system where the state is both 'objective' and the injured party, and the true harm from the event is never addressed let alone healed. The state, they say, has stolen the conflict from its rightful owners, those directly harmed by the criminal act. These advocates point out that little is actually demanded of offenders and thus their behavior is rarely changed by the punishment experience. The adversarial system pits them against society rather than placing them within it where they belong. This alienation fosters future antisocial behavior and so in some sense the system cultivates crime and further compromises social cohesion. Moreover, as it operates now, the criminal justice system nurses self-absorption on the part of offenders as they fight to win their cases or

secure the best deals possible. No one is compelled to think of their victim or others while doing time. Restorative justice reformers also point out that the community's role in crime and punishment is purely symbolic. The community gains almost nothing from the experience. Any harm it may have incurred is unresolved, any responsibility it may bear is unexplored, and any role it might play in diminishing future crime is disregarded. Sooner or later the system returns inmates unchanged or further damaged to communities still suffering and ill prepared for their arrival. In sum, our justice system is a failure for victims, offenders, and the community.

Restorative justice rhetoric contributes to a narrative of criminality (as other benevolent penal reforms have) but more importantly, includes fresh ideas regarding the criminal event and justice itself. These latter two concepts figure much more prominently in restorative justice and when someone commits a crime is of lesser import. First, restorative justice asserts that crime is a violation of people and relationship not of law. An offense is not really a 'crime' at all but rather a social rift in need of restoration. This new accounting of a criminal event leads restorative justice to formulate or reconstruct alternative criteria for justice (Boyes-Watson, 1999). Criminal activity produces harm and creates obligations, and if these are addressed justice is realized. The harm is first against the victim but also against the community and the obligation is on the offender but also on the community. These three 'stakeholders' (victim, offender, and community), participate actively in the resolution (Zehr, 2002, p. 33). Restorative justice demands that these parties ask and address questions about who has been harmed, what their needs are, and who is obligated (Zehr, 2002). In restorative justice, crime is a conflict and justice makes things right.

Restorative justice also explores criminality but rather than generate or build on a whole new theory of why people commit crime, this new paradigm reframes the status and understanding of those who transgress. Offenders, through a restorative lens, are viewed as people who made bad decisions, not a distinct class known as 'criminals.' Their status as citizens and human beings are not diminished by their actions, and this is not to say that their behavior is acceptable or should go un-admonished. They should be guaranteed equal standing and partnership as resolutions are generated. Restorative justice recognizes that the alienation fostered and perpetuated by the current criminal justice system exacerbates criminality. Therefore, a system that values and nourishes reintegration will reduce crime. The movement's narrative of criminogenesis is anticriminality of a sort since restorative justice is not centered on the law, rights, or guilt. Restorative justice aims to address the causes of crime by creating a system that will advance respect, responsibility, and connections. However, first and foremost it is centered on an entirely new *justice* paradigm.

Restorative justice is touted as humane, civil, and righteous. This 'alternative justice paradigm', is frequently positioned as in direct opposition to a retributive (read: bad, inhumane, ineffectual) model (Marshall, 2003; Sullivan & Tifft, 2001; Zehr, 1990). Many champions boast of restorative justice's power to 'transform' not only our beliefs but social arrangements themselves (Sullivan & Tifft, 2001, p. 179). Restorative justice is said to be revolutionary in concept, ambition, and operation. Champions often promote restorative justice as pure, true, and honest, because it is how justice is realized by indigenous people and stated in the Bible. This new set of principles is universal its advocates assert, and can be applied to

all conflicts. Hence restorative justice is much more than a penal reform but a way of living.

Restorative justice demands that courses of action be constructive (Boyes-Watson, 1999). It is said to call for processes that honor the needs of victims so as to restore, empower, and support them. Practices must also support offenders while fostering an understanding and acceptance of their wrongdoing. The process must further help them to carry out their obligations (Zehr, 2002). There must be a meaningful role for the community in the response to criminal events. Practices are designed to 'put key decisions into the hands of those most affected by crime, make justice more healing ... and, reduce the likelihood of future offenses' (Zehr, 2002, p. 37). This is to be accomplished through collaboration and consensual outcomes. Restorative justice demands attention to the unintended consequences of its actions unlike traditional criminal justice that delivers harm (e.g long sentences, solitary confinement, etc.) without thought or accountability.

To get a sense of what practitioners and movement participants say about restorative justice (the rhetoric on the ground) each interviewee was asked to describe restorative justice in her/his own words. The answers were consistent with what the literature espouses and illustrate a consensus regarding the sentiment used to express both the nature of restorative justice. Restorative justice is 'a talking movement about love, humanity, and honesty' (C-2T). It 'fits' with the human condition and natural law. 'A different way of life,' restorative justice is 'an operating system' (R-1P). It is 'bigger than a program, there is a spiritual dimension to all this.' It is 'systemic change' (R-1P). Restorative justice is 'a spiritual journey' that involves 'healing and magic' (G-1J). It is a 'set of principles' and a practice in which 'participants are surrounded by "a circle of love' (G-2D). 'Restorative justice asks that we rethink conflict and justice' (G-3M). Restorative justice elevates victims to 'their rightful place' (C-3J). Restorative justice addresses harm as it 'addresses the offender as a person' (C-4E). 'Restorative justice is respect' (C-4B). 'RJ is an active process. It is the only thing that gives something concrete to the victim' (C-2T). RJ is 'community driven' and 'systemic change' (C-5A). RJ is 'uniformly meaningful for victims. 'It takes a load off. 'Its value does not lie in the offenders response but in the practice of the victim saying their piece' (A-1P). The movement's rhetoric positions restorative justice as a righteous frame on which to build a holistic justice system. This alternative paradigm is presented as a respectful, humane approach to crime and justice that will deliver healing for victims, demand accountability from offenders, reconnect the community, and cultivate informal social controls. It is a schema, champions say, for making 'peace' on crime.

These findings are consistent with the *early rhetoric* of the historical benevolent penal reforms studied. Rhetoric in the restorative justice movement decries the status quo as inhumane and ineffective, it incorporates a new 'narrative of criminogenesis, and proclaims extraordinary cure-all powers. The grandiose claims declare that the innovations will cure crime and generate a more cohesive society. I call this *Cruel & Ineffective Status Quo, Fresh Criminal Theory, Grandiose Claims* (see Appendix 1).

Repertoires – the restorative justice movement

It appears that the restorative justice movement is devoted almost exclusively to a two-pronged strategy. First, there is the creation, sustainability, and organization of direct service programs (C-1, C-2, C-3, C-4, G-1, G-2, G-4, A-1, R-2). The history at each site reveals that a substantial amount of strategizing, organizing, and groundwork was necessary to bring these programs into being. In many cases, it took several years of fundraising (mostly private and government grants) and cajoling (to get the traditional system to hand over cases) to finally put restorative practices in place. The politicking usually involved finding a sympathetic powerholder who helped to loosen the system's reins and allow access. The vast majority of these programs focus on low-level crimes (nonviolent felonies and misdemeanors) and/or juvenile offenders. Although considerable effort was involved in mounting these programs, the tactics were not confrontational and it appears that activists made few demands on the existing system. They took what they could get because they were, and continue to be, driven by a single priority: instituting practices. As C-1P states, 'service delivery is key' and programming is the 'bottom line.' The majority of restorative justice reformers would agree.

The second prong is training and providing technical assistance. This is becoming an increasingly common type of activity among restorative justice champions (C-5, G-2, G-3, A-2, R-1). Activists provide tools and leadership to people and agencies interested in becoming involved in restorative justice. Usually, these efforts are undertaken to aid in the creation of restorative programming and to propagate restorative practices. For example, people are instructed on how to conduct a victim-offender conference, educated on restorative justice theory, or given the logistical and tactical support to set up an actual program in their area. Established trainers may travel to the interested parties or initiates may come to them for training. Either way, what we see on the ground is an ongoing trend toward professionalization with trainings by restorative justice 'experts.' It is interesting to note that several interviewees (practitioners) pointed out how 'easy' and 'uncomplicated' restorative justice really is. One went on to point out that 'contrary to what academics say it is not labor intensive' (A-1P). Nevertheless, restorative justice 'advisers' understand themselves to be doing the important work of advancing an understanding of the movement's principles, values, and practices.

Some sites are engaged in both creating and sustaining direct service programs and training and technical support. Some activists pursue other tactics that augment and supplement these primary goals. Most sites publish and distribute written materials including pamphlets, newsletters, and in some cases (C-2, G-3, C-4, C-3) manuals. Materials, for the most part are self-promotional, are not strategically distributed (though one community organization conscientiously added politicians, community activists, and leaders to their extensive mailing list). Outreach campaigns, which are common, are *exclusively* designed to enlist volunteers. Organizing, conducting, and attending conferences are viewed as effective ways to connect movement participants, disseminate information, and reach potential enthusiasts. Restorative justice activists also sit on local and national boards, teach, hold office, and lobby for change. Each class of action represents a traditional approach to making normative change and none would be considered confrontational. Thus far, the restorative justice movement, though aiming for a paradigm shift, does not engage in contentious tactics or radical action.

For the most part, instituting restorative justice has not required new legislation. On occasion, new statutes have been necessary but usually only to legally allow the system to employ 'alternative' processes. In these cases, activists attempt to institute restorative practices, and lobby to introduce new laws as part of the groundwork required to mount the program. Other movement activists are also involved in lobbying but their efforts are typically focused on either securing funding or getting the traditional criminal justice system to back down and allow restorative justice programs access to criminal offenders. Certain organizations concentrate more extensively on lobbying than others (R-1, G-4, G-2). Activists employing this approach state that the need to 'have someone in power to make it happen' (G-4R). This tactical choice resembles the movement's overall approach that centers on access, connections, and change from the inside out.

Because this study concentrates on sites with some type of programming, there may be a bias toward finding practice-focused activists. However, the fact remains that these movement actors are not engaged in other tactics, they are not eliciting movement participation beyond helping to create and sustain restorative practices nor are they working to dismantle the current system or educate the public at large. A tremendous amount of planning and effort, often over a period of years, was needed to create these programs. Activists spend a lot of energy, intellect, time, and money almost exclusively to generate restorative practices.

The restorative justice movement is still on the rise and so perhaps it is premature to determine that this limited range of tactics will remain its sole or even primary strategy set. However, when activists were asked about future objectives their answers forecasted more of the same. Goals centered on expanding the volunteer base, raising more money, and increasing the volume and types of cases. The future was said to be about making more and bigger programs. There was no mention of any other tactics to foster or support movement development.

This movement has compiled a repertoire centered almost entirely on creating and instituting restorative practices. Though a handful of other tactics are employed (training, lobbying, public speaking, and publishing), they are used as a means to facilitate the primary aim of making programs that conduct practices. Activists are working hard but within in a narrow and very traditional realm of action. We see a reliance on change from the inside with some sites (G-4), deliberately keeping a low profile in order to avoid the attention of any unsympathetic parties who might make trouble or obstruct the program's service delivery. Contentious measures are not welcome. Each site mentioned difficulties when soliciting the traditional criminal justice system for cases. A-2D notes that their program does not work with a lot of adults as 'they have rights' so the system would not allow the program access. At C-2, a program actor notes that other agencies are reluctant to send cases as *their* money is tied directly to numbers. G-4 participants remarked that there is a lot of departmental skepticism thwarting their efforts. C-5A states that the 'top folks' are reluctant to embrace it [restorative justice], and 'they lean toward the "it's fine for lesser crime"'. Yet, not one of the programs was aiming to rectify or even address these serious obstructive issues. This social change movement is not exhibiting creativity or sensitivity to the actual obstacles in its path. There is no talk of garnering wider public support, no efforts to reduce the use of current justice practices, no demands made on the system. The only groundwork being laid is for programming. It is clear that restorative justice reformers are driven. 'The passion and sustained engagement' reminds C-4B of her days in the Civil Rights

movement. We see here a reliance on the power of a good idea rather than a strategic plan to institute change.

One way the movement has generated enthusiasm for programming is by touting ‘evidence’ of restorative justice’s power. There is more reliance on anecdotes (with grand results) than most champions would care to admit. The stories are compelling and no doubt they are truthful but ‘scientific proof’ they are not. Methodological studies are slowly emerging (focused exclusively on the efficacy of restorative justice) but they are small scale and specific, and only a handful of programs have an assessment component (G-2, G-4, R-2, C-1, C-2). For the most part, program evaluations are not sophisticated. They tend to review short-term recidivism rates and usually include some simple measurement of participant satisfaction. Nevertheless, activists confidently wield testimonials when peddling restorative justice.

These findings are consistent with the *repertoires* utilized by the historical benevolent penal reforms studied. The restorative justice movement employs a select few means to forward its aims. These are exclusively traditional, non-confrontational avenues of social action such as generating legislation, promoting anecdotal successes, and lobbying. The chief tactic is the creation and administration of programs and practices that reflect or incorporate the movement’s agenda. Program implementation quite literally dominates movement strategy. I term this *Narrow, Non-Confrontational, & Practice Fixated* (see Appendix 1).

Time to ubiquity – the restorative justice movement

The very first ‘official’ victim–offender reconciliation project in the USA is identified as a 1978 program in Elkhart, Indiana (Zehr, 1990). Throughout the 1980s, only a handful of people in the USA knew about or maintained an interest in restorative justice. These activists remained committed and incrementally mounted programs and spread the word. Zehr’s *Changing Lenses*, a book that effectively explained and positioned restorative justice, was first published in 1990. In the mid-1990s, The National Institute of Corrections (NIC) and the Department of Justice (DOJ) released a restorative justice video, reflecting a substantial interest on the part of these agencies. It was shown all over the country. Speculation by various reformers is that about 30,000 people saw it. This episode, according to many restorative reformers, marked an informal turning point in the American Restorative Justice Movement. When the NIC, a federal agency, in 1994 it was a response to a widespread *professional*, and not *public*, interest in restorative justice.

By the spring of 2004, virtually every state in the country had implemented some form of restorative justice, be it policy or specific practice. The alternative justice paradigm has moved ‘from the margins towards the center of justice issues’ (Boyes-Watson, 1999, p. 261). Though restorative justice can be found around the country and federal justice agencies are decidedly onboard, it would be incorrect to suggest that the movement is institutionalized. The scale at which programs operate is still infinitesimal particularly in contrast to the volume of offenders the USA processes each year. Restorative practices themselves may not yet be ubiquitous in practice but the restorative lexicon and ideology are. ‘The language of restorative justice can be heard within even conventional discussions on crime and punishment’ (Boyes-Watson, 1999, p. 261). The departments of corrections in many states have designated restorative justice point people and virtually all national justice

agencies including the Department of Justice, the National Institute of Corrections, the Office of Juvenile Justice and Delinquency Prevention, and the National Institute of Justice direct resources toward researching, creating, and implementing restorative processes. Language permeation may unfortunately come to be the movement's most widespread effect.

It is safe to say that as of this writing restorative justice has not infiltrated society or its justice practices at large. It is unclear how many outside of isolated criminal justice circles have heard about restorative justice (it has made a presence in the nation's schools but that is for another article). Despite evidence of a publishing and programmatic boom, this movement is moving much more slowly than past benevolent penal reforms.

Though restorative justice is not fully institutionalized, it does appear to have taken root on a small scale. The phrase and its accompanying principles are routinely incorporated into the justice system. Programs continue to emerge and grow. Adopting restorative justice ideology, at least on paper, helps to secure funding (Walgrave, 2003; Bazemore & Schiff, 2004; McCold, 2004; A-2D, G-2D). There is no guarantee of total institutionalization. The movement could disappear only to be revived some time in the future or it could simply fade away. Money is tight and economics can fuel a new idea or crush it. All the same, the rush of recent activity does not seem to be waning and there is no denying that restorative justice has 'made its way into criminal justice agenda' (Sullivan & Tift, 2001 p. vii). It is more than likely that the campaign's career is not yet over.

The past few years have seen an escalation in movement activity accompanied, or fueled by, greater public exposure, willingness, and interest in part due to financial strains associated with punishment. As A-2R states, RJ language came about around mid 80s and 'initially no one was interested.' The same 20 people were involved and talking about it. Then it started to grow. The ideas and practices are not yet ubiquitous but the language is becoming universal. The traditional criminal justice system, nationwide, has incorporated restorative justice albeit on a small scale. The general public is not yet aware of the movement but that may be about to change. Restorative justice ideology is consistently spreading and no longer marginalized.

These findings are not exactly consistent with the *time to ubiquity* analysis associated with the historical benevolent penal reforms studied; however, there are some conspicuous similarities. I term the restorative justice's movement temporal characteristic *Small-Scale Institutionalization & Recent Boom* (see Appendix 1).

Outcome – the restorative justice movement

The restorative justice campaign has not yet realized full institutionalization. It is too early to make a full appraisal of its outcome. This being said, it is still possible to assess the movement's contributions thus far by juxtaposing the movement's aims with what it is actually delivering. This exercise enables a forecast of the outcome of this movement: will it embody its stated principles and aims or, like those that came before it, will it expand and deepen the very system it aims to supplant.

What is being added?

Whether restorative processes are actually added on or are operating in the stead of more traditional practices, they introduce new elements to the criminal justice landscape that contain the very real possibilities of expanding the network of control and growing punishment. Notable examples include the following:

- *Expanding the number of players involved in the justice process* – At each site, crime victims and community members are becoming *additional* players in the justice process as venues create a variety of opportunities for their participation. A key feature of restorative justice is multiple stakeholder involvement. Restorative justice also calls for participation from those in the offender's life. *How this may expand control* – The movement's intent may be to replace one set of actors with another but to date this has not been a prevailing development. An offender must now, in addition to meeting the justice system's demands, must respond to the expectations and needs of new players (including the victim and his/her family and loved ones, the community, whoever stands with the offender, etc.) as must the judge, the DA, the jury, and the defense.
- *Broadening the purview of 'justice'* – In a restorative justice paradigm, both rhetoric and practice express that justice means making victims whole, satisfying the community, showing empathy, and meeting an added set of specified obligations. *How this may expand control* – This new augmented narrative of justice may be intended to replace one of guilt and punishment but in practice it is being added to the mix. In the interest of 'true' justice, the system may delve deeper into the offender's 'soul' and psyche in order to repair relationships and restore him/her.
- *Criminalizing extralegal conflict* – 'We've been grabbing more conflict and criminalizing it. We should reduce control as risk is reduced but RJ doesn't tend to do this' (G-3M). *How this may expand control* – As restorative practices concentrate on low-level crime or other incidents that the current criminal justice system will allow them to address, conflict that may not have been absolutely criminalized (e.g. fights at school, motorists arguing, petty vandalism) is being labeled as more serious so as to 'experiment' with it. Only at sites where restorative justice practices were *added on* to existing traditional punishments were more serious, and assuredly criminal, offenses dealt with. Here too, restorative practices may be more invasive and controlling than what would have happened had the traditional system been the response.
- *Heightening the power and influence of crime victims* – Restorative justice discourse asserts that as a practice it centers crime victims. My observations confirm that this is the party line (though in practice involving victims has proved difficult as victims' advocacy groups tend to embrace punitivity as an expression of victim support). Victims' needs, in the restorative paradigm, determine punishment. *How this may expand control* – Restorative justice does not identify clear boundaries regarding resolutions between victims and offenders. The movement does not address the desire for vengeance and is promoting a justice system that does not incorporate due process or legal rights.

- *Raising the bar of 'proper' behavior* – Restorative justice does not center on criminal behavior but on the action of 'making things right.' *How this may expand control* – Not unlike parole, which opened the door to reprimanding offenders for extralegal behavior, restorative justice can subject offenders to further restraint, control, and labeling if they are disinterested or incapable of participating at the level demanded.
- *Extending the reach of the justice system* – Many restorative justice programs target teachers and principals in the interest of bringing restorative practices into schools. At a conference sponsored by A-2, over a third of attendees were from school systems and not the justice system. G-2D has a stated initiative to develop restorative justice in local schools. *How this may expand control* – While restorative justice may employ a different interpretation of justice, it still operates from within the criminal justice system even as it reaches out toward other social institutions (schools, families, and the workplace).
- *Marginalizing classes of offenses and offenders* – Though the movement rhetoric states that restorative justice holds possibilities for all classes of offenses and offenders, there are crimes and populations completely shut out of the practices at this time. Domestic violence is virtually untouched by almost all restorative justice programs. Each site had a definitive rule against its inclusion. Child abusers and victims of child abuse remain unwelcome in most restorative justice programs. Correspondingly, every site refused their participation. *How this may expand control* – Restorative justice is trumpeted as being for 'everyone' but certain populations in practice are shut out leaving them more open to marginalization and vilification. 'Domestic violence scares me' (C-4B). If they are not part of the 'universal' in a so-called universally applicable process this is de facto dehumanization.
- *Fetishizing juveniles* – Restorative justice in the USA has, in fact, targeted juveniles, offering more programming for young offenders than any other population. In part, this is because the existing system has been more willing to incorporate 'new' practices with juveniles and has thus allowed restorative justice programs access to juvenile offenders. Also, juveniles tend to be a more sympathetic population in the public's eye and so the humanity expressed in restorative justice is seen as a more 'natural' fit with young people. It is also the case, as this study confirms, that many juveniles are arrested for low-level crime and again, the powers that be have been more likely to turn petty crimes over to restorative programs. (Though few programs are making demands for access to more serious offenses.) *How this may expand control* – Juveniles already inhabit a less legally protected status within the justice system as they are classified as a more vulnerable, special population. They are subject to a mercurial public who views them as both victims who are more reachable than adults and animals beyond repair. It is interesting to note that the restorative justice movement is seen as holding special promise for juvenile offenders but juvenile victims, unless victimized by another juvenile, are locked out of the practices. Furthermore, adult offenders who harm juveniles are rejected altogether by restorative justice practices.

- *Widening the net* – As of now, restorative justice practices concentrate on low-level crimes. *How this may expand control* – It is quite possible that these cases are being handled in a more controlling and punitive manner than what would have transpired under the guise of the traditional criminal justice system. Trivial offenders who would barely register on today's criminal justice radar (misdemeanants and non-violent juveniles) are front and center in the restorative justice movement. The practice gathers information and keeps tabs on someone who may have processed with a fine or a warning. They are now in the criminal justice net forever.
- *Growing existing systems* – Findings confirm that restorative reformers are developing and implementing restorative practices by creating programs that associate with, and link to the existing web of criminal justice programs (probation, prisons, and prosecutors' offices). *How this may expand control* – These pieces of the system become bigger and gain power by enlarging their sphere of action. A whole new layer of bureaucracy and professionals join the system.
- *Cultivating new avenues for abuse of power* – I have yet to encounter a mechanism that tackles or responds to racism, classism, economic discrimination, or sexism. Restorative justice does not address bedrock inequalities and power differentials. C-5A remarks that when RJ does not deal with issues of race, class, or power 'it doesn't get to the core issues' or address community problems at their root. As A-2R notes, 'RJ does not really talk about race.' This scholar expressed a concern that if the decision about who gets to participate in VORP is left up to one person it will be subject to isms and/or will be arbitrary. 'It should be available to all.' *How this may expand control* – With no deliberate attention to power or prejudice and by ignoring the longstanding history of racial, gender, and economic injustices embedded and continually enacted in the US criminal justice systems new practices and processes will simply create new means of racism and other abuses of power to be acted out. Without an attempt to dismantle institutionalized power imbalances and structural bias, prevailing hegemonic ideologies and inequities will fill the void.

What is being replaced?

Restorative justice enthusiasts do not agree on whether restorative practices should replace, be woven into, or operate alongside our current justice system. Most contend that a restorative approach should be the first course of action but they debate on whether or not the bulk of our current criminal justice practices should be abandoned altogether. I only saw two programs that operated in the stead of traditional criminal justice practices and one of those focused almost exclusively on juveniles. All of the sites I visited had close ties to the formal punishment system and were likely to operate alongside or within existing systems. Several of the programs actually operated inside of correctional institutions. However, there is a consensus of sorts that the prison is overused and that most offenders (and victims and communities) would fare far better with an alternate practice.

Restorative justice has made the most meaningful inroads (with regard to replacing practices) in the arena of juvenile justice. Nonetheless, I suspect even

the staunchest restorative justice activists would admit that the movement has not *replaced* much at all. Several of the study sites operate as add-on programs (G-1, A-1, R-2, C-3), within prison walls with felons who have already been processed through the traditional system. All the sites involved in processing cases in lieu of the traditional criminal justice processes (C-1, C-2, C-4, G-2, G-4), concentrate solely on low-level crimes (almost exclusively misdemeanors and sometimes non-violent felonies); and many of these handle far more juvenile cases than adult. It is worthwhile to keep in mind that the volume of cases that these programs process is very, very small compared to the number of cases moving through the traditional system (several million each year). The most productive (in terms of quantity) site visited, A-2, handled, on average, 300 cases a year. Far more typical is a two or low three-digit caseload volume. For example, A-1 managed 30–40 requests in three years. C-2 processes handled about 65 cases a year. At G-4, 42 offenders completed the program over a two-year period. Generally, paid staff was comprised of two or fewer people and program efforts relied heavily on a volunteer pool. Even in the locales where a restorative option exists as a true alternative, a great many variables must be in place for one's case to be 'adjudicated' in a restorative manner. These include a non-violent offense, both victim and offender willingness to participate, police and court cooperation, available staff and volunteers, and a site determination that the case and participants are 'good' candidates for a restorative process. At G-2, within a two-year period, 373 referrals for adult cases came their way. From this pool, there were 95 conferences that involved 115 offenders. The scale of American prosecutions being what it is, the movement has failed to supplant one justice paradigm for another. Furthermore, it is not clear how the cases now adjudicated (if 'adjudicated' applies) in a restorative manner would have been processed otherwise. The specifics of what has been replaced are unknown.

Is it delivering on its aims?

It is too soon to fairly assess whether or not restorative justice delivers on its promises. Like all movements, its objectives are grander than its campaign could ever realize. It is worth noting that scholars are already pointing out exaggerated claims (Daly, 2003). Nevertheless, 'successful' movements manage to achieve some of what they propose. This early accounting was intended to explore what the movement is genuinely accomplishing (on the ground) in light of its stated goals. Below is a review of some key specific aims and how they faring at this point in the campaign:

- *Introduce a new justice paradigm* – The practices and programs associated with the movement are being *added* to the existing criminal justice system. The primary framework for understanding and responding to a criminal event remains unchanged. Crime is still cast as a violation of law. The state still 'owns' the conflict and drives the resolution. Not much of the 'old' paradigm is being replaced and what is being introduced fold quite easily into the existing paradigm. Longstanding language, definitions, and structures remain intact providing the base on which restorative practices are built. A paradigm shift is not afoot.

- *Level the field* – Restorative justice calls for all stakeholders to be afforded respect and equality. Yet, in practice, the movement has not responded to the inequities and socialization that people bring with them to the restorative table. Theorists and practitioners alike fail to address race, class, or gender issues, a common complaint made by the people interviewed for this study. While some scholars have questioned whether restorative justice suggests reintegration of offenders into an inequitable social structure, as of yet no one has developed an approach (in practice or theory) to handle the inequities and prejudices we bring to the restorative justice dialog. As restorative practices are being folded into the existing criminal justice framework, these power dynamics are being replicated and reinforced, not altered.
- *Center justice on the needs of victims* – Restorative justice is said to be a victim-centered justice paradigm. In practice, there are many programs with little (R-2, A-2, G-4) or no victim participation (R-1, G-3, C-5, C-3). Victims of serious crimes who bear the heaviest burdens, are generally locked out of most restorative practices. Victims/survivors who do not participate in a restorative event, often do so well after the crime has occurred sometimes years after the crime has been processed. The value restorative justice holds for offenders and public safety are often the key selling points touted by reformers. Many crime victims see restorative justice as an offender focused or soft, easier *punishment*, and therefore, oppose it. In many respects, the movement is evolving without the participation of and commitment to the very people said to be at its core.
- *Return conflict to its 'rightful' owners* – Restorative justice is said to include *all* those with a 'true' stake in the criminal event and its outcome (community, victim, and offender). Not only are victims often absent from the process but so too is the community (R-1, R-2, A-1, G-3, G-1, C-5, C-3). The community presence, when included, is most often represented by a handful of 'specially trained' volunteers who participate in case after case (C-1, C-2, C-4, G-2, G-4), often as stand-ins for victims. In other cases, community participation is perfunctory, serving only to observe a conference between the two main parties (victim and offender). The 'community' is not particularly active in restorative practices, programs, or the movement.
- *Identify harms & pinpoint obligations* – Restorative justice demands that we ask what and whose obligations are generated by a crime/conflict. Yet, the answer appears to consistently recognize obligations *only* on the part of the offender. In theory, restorative justice constructs a way for communities and society to review what it perceives as transgression and examine the reasons transgression occurs. The process is said to exact participation on the part of multiple parties who each must explore their roles in creating and resolving the event. In practice, this does not appear to be taking place. Resolutions are sought through 'active consensus' but the only clear unanimity seems to be a tacit adherence to the current paradigm's interpretation of offense, harm, and responsibility. At each and every study site, obligations fell *solely* to the offender. There was no discussion of economics, jobs, the lack of drug treatment, or other social services. Communities are not stepping up with regard to obligations either to an individual offender or future crime control efforts beyond specific deterrence. Nor is anyone asking whether certain offenses ought to be viewed as criminal (i.e. prostitution, drug possession, and

so-called victimless crimes). All presently criminalized behavior retains its status as an offense. This means the act is already deemed harmful even when the process finds itself stretching to identify either a victim or name the harm caused by the act. Rather than question whether an act is actually harmful, participants weave creative stories to explain where the pre-prescribed harm lies. For example, at G-4, a college student, who was arrested for possession of marijuana, participated in a restorative panel in lieu of going to court. During the resolution process, the volunteers conducting the proceedings repeatedly made the point that young people, are seduced into drug use and that ‘communities’ (mind you not *their* communities *or* the student’s community but abstract ‘communities’ in general) are severely damaged by drugs. I observed that the panelists were relentlessly adamant on this point and used a hysterical tone reminiscent of the public political discourse ballyhooing the so-called scourge that is ‘illegal’ drugs. This offender was clearly expected to embrace this definition of harm and express contrition for the named, but absolutely unspecified, social damage. He did so, and the panel was satisfied. Restorative justice begs an honest dialog regarding harm and obligation but this is not what I witnessed.

- *Reflect a set of principles* – Advocates aver that restorative justice is not one particular program. All it demands is that any response to a criminal event be dictated by a set of core ideals (a changed lens). In theory, restorative justice insists upon an individualized, creative, and free understanding of the conflict to be addressed, the parties who ought to be involved, and the resolution to make things right. In practice, this ‘new’ justice lens is employing the perspectives of the old one, holding fast to its social arrangements and convictions regarding crime and punishment. Program replication is fast becoming the norm and practices are more likely to readily several key restorative principles than struggle to meet them all.

These findings are reminiscent of the *outcomes* found at the demise of the historical benevolent penal reforms studied, what I term *Aims Undelivered & Punishment Grown* (see Appendix 1). However, the restorative justice movement is too young to declare the state of its outcomes. Nevertheless, this study detects that the restorative justice movement is (what I term) *Wavering on aims & at great risk of growing punishment*. The movement is not devulging its agenda. It is faltering, *not* by being co-opted but by selling out and abandoning its aims. Little, if anything, is truly being replaced and the stage is set for much to be added to the penal landscape. Mechanisms for deeper government ingress into the lives and bodies of convicted offenders are being introduced, and a widening pool of people are being subjected to more intensive processes. Substantive change is not underway and the nation’s network of control is likely to be considerably expanded by the movement’s efforts.

The score

The movement has achieved some gains. Enthusiasm and funding for the restorative approach to justice is intensifying. Restorative practices can be found in every state as well as at the federal level. Criminal justice discourse is directing more attention towards restorative justice with more and more scholars joining in the discussion and a continued rise in related publications. Gains are not deep enough

at this time to suggest that substantive change is underway nor is the scale of these inroads particularly meaningful given the dimensions of the current criminal justice system. However, gains are such that restorative justice theory is no longer situated on the margins of criminal justice discourse or ideology though practice is another matter.

The ideas and actors associated with the restorative justice movement are faring better than the practices. Reformers and theorists alike are gaining the attention, respect, and trust of universities, city agencies, and the criminal justice system itself. They are being accessed by decision-makers and as the credibility of their ideas grows so does the influence of their voices. Restorative justice is now a standard part of the criminal justice curriculum. Politicians and actors throughout the criminal justice system are familiar with the terms and ideology associated with the movement.

This movement is making an impression on the penal landscape (culturally and logistically) and expresses some success signifiers at this time. Yet, as demonstrated here, the campaign is not delivering on its claims, but is administering ideas and practices that could expand the network of control. This set of circumstances is guiding restorative justice along the course charted by past 'failed' movements. All indicators point to the likelihood of a repeat regressive performance.

Assessment of the findings regarding the restorative justice movement, are in accordance with *the score* and compared to other historical benevolent penal reforms, results in a categorization I term *Dismal Success*. However, since the restorative justice movement is not yet history, it would be premature to make a final pronouncement on its impact. Yet, my observations determine it is already marked by what I will term *Tentative Successes & Salient Failings*. The campaign is exhibiting some key markers of movement success. There are signs of literal gains and confirmation that both the actors and ideas associated with the movement are attaining legitimacy. Yet, despite these accomplishments there is preliminary evidence that the movement is not coming off as planned and is unfolding similarly to past failed campaigns.

Conclusion

A repeat performance of regressive reform is in progress. In each of the eight movement variables investigated, the restorative justice movement is demonstrating characteristics evident in past benevolent penal campaigns. Empirical evidence confirms that this still emerging campaign is evolving as historical benevolent penal reforms and shows that the restorative justice movement is manifesting a vast majority of the elements associated with a regressive social change movement. With these properties well in place, restorative justice is likely headed on the path to regression and poised to grow the very punishment system it aims to supplant.

This is not to say that restorative justice has failed to bring about *any* change in accordance with its agenda or that *all* it has delivered is more punishment. In any locale where a program operates, there are individuals who have been touched by the restorative justice experience. Crime victims interviewed here speak of getting their life back thanks to restorative practices, offenders describe the transformative power of empathy or of being changed by 'making things right,' and practitioners speak of deep gratification in doing their work. However, this too binds the present reform to those that came before it. It is likely that the

penitentiary deterred several people (it still may), parole resulted in *some* significantly shortened sentences, and the reformatory no doubt ‘reached’ a few souls. Issue is the impact of the movement on the penal landscape. While restorative justice is not necessarily doomed to repeat a regressive BPR cycle, the movement embodies unique assets and it is still in its infancy. It is also unfolding slower than past campaigns. There remains time and space to respond to missteps, recalculate strategies, and build a foundation that can sustain substantive change.

Restorative justice is different. Past benevolent penal reforms focused exclusively on the offender. Restorative justice (in theory) includes crime victims and the community in its framework. It therefore, has the chance to appeal to those who have been hardened toward offenders. Restorative justice ideology tends to elicit a positive audience response. The ideals of this alternate justice lens are usually well received and actors from across the political spectrum are attracted to the ideology. Restorative practices show genuine promise. Restorative justice creates not only the opportunity for a reduction in crime or recidivism but a means to respond to the breadth of devastation that follows a criminal event. Our justice system is wanting, on that almost the entire country would agree. A restorative approach satisfies some key aspirations we continue to articulate when defining justice. Restorative justice inspires and satisfies those who take part in it. It is work that people enjoy doing and find meaningful.

The time is ripe for punishment reform. Those interested in facilitating change must take note of the past and consciously direct their efforts. In particular, restorative justice actors must steer clear of the errors of the past and commit to not expanding punishment and control. Movement activists must formulate a conscientious plan; a good idea and a virtuous intention are not enough. To affect a paradigm shift is a serious objective and as yet, there is not much there to make it happen. The movement has not engaged in long- or short-term strategic thinking to correspond with the enormity of the task ahead. In order to redirect the present course, the restorative justice movement must organize, strategize, revisit its tactics, and stay true to its agenda. The movement must cultivate and exercise a much more diverse repertoire. There is a fixation on making programs and delivering direct restorative services. A remarkably limited strategy for a campaign aimed at unseating a justice system that has been in place for hundreds of years.

Finally, the movement must expand membership as it suffers from an insular and limited membership distribution and consequently has no interested public. Right now restorative activists do not have the leverage they need to unseat a well-entrenched system. The insularity and insider status of the current membership makes for timid and reluctant negotiations with the host. Restorative justice is better situated to promote and sustain the development of an interested public than any benevolent penal reform before it. Its organic inclusion of crime victims and the community place it in an ideal position to grow and expand its membership. Without an eye toward history, restorative justice is likely to repeat it.

Notes

1. See Appendix 1.
2. <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=11>
3. <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=16>

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Appendix 1.

	The prison	The reformatory	Parole
Conditions of the host	Bounded & Disappointing Punishment System	Bounded & Disappointing Punishment System	Bounded & Disappointing Punishment System
Carriers	Holy Rollers, Credibles, Patrons, & Professionals	Holy Rollers, Credibles, Patrons, & Professionals	Holy Rollers, Credibles, Patrons, & Professionals
Membership distribution	Insular & Limited	Insular & Limited	Insular & Limited
Early rhetoric	Cruel & Ineffective Status Quo, Fresh Criminal Theory, & Grandiose Claims	Cruel & Ineffective Status Quo, Fresh Criminal Theory, & Grandiose Claims	Cruel & Ineffective Status Quo, Fresh Criminal Theory, & Grandiose Claims
Repertoires	Narrow, Non-Confrontational, & Practice Fixated	Narrow, Non-Confrontational, & Practice Fixated	Narrow, Non-Confrontational, & Practice Fixated
Time to ubiquity	Rapid Institutionalization	Rapid Institutionalization	Rapid Institutionalization
Outcome	Aims Undelivered & Punishment Grown	Aims Undelivered & Punishment Grown	Aims Undelivered & Punishment Grown
The score	Dismal Success	Dismal Success	Dismal Success

KEY

Bounded & Disappointing Punishment System – A penal system in which the boundaries are fixed (who is caught in the net and what is done to them is constant) and one that inspires disappointment, either because it does not ‘cure,’ resolve, or fix the problem of crime and criminality, or does not meet the social norms of decency regarding the treatment of human beings.

Holy Rollers, Credibles, Patrons, & Professionals – Those who initiate and assemble the social change movement are religious, educated actors with access to power, means, & the penal system. They are not on the punishment end of the penal system nor will they, or those like them, be personally reached by changes to that system. These carriers are working benevolently to save, rescue, deliver, or heal the *other*. Their standing in society makes them credible to the host, they are legitimate from the start.

Insular & Limited – Movement membership encompasses a small group of actors generally located in the two inner rings of the distribution. There is virtually no ‘interested public’ participating in the movement and the outer ring of the distribution is thin or imperceptible.

Cruel & Ineffective Status Quo, Fresh Criminal Theory, Grandiose Claims – Movement rhetoric decries the status quo as inhumane and ineffective, it incorporates a new ‘narrative of criminogenesis,’ and proclaims extraordinary cure-all powers. The grandiose claims declare that the innovations will cure crime and generate a more cohesive society.

Narrow, Non-Confrontational, & Practice Fixated – The movement employs few means to forward its aims. These are exclusively traditional, non-confrontational avenues of social action such as generating legislation, promoting anecdotal successes, and lobbying. The chief tactic is the creation and administration of programs and practices that reflect or incorporate the movement’s agenda. Program implementation quite literally dominates movement strategy.

Rapid Institutionalization – The ideas and practices introduced by the movement are usually ubiquitous within 25 years. Institutionalization occurs very quickly.

Aims Undelivered & Punishment Grown – The movement does not deliver on its aims. Little, if anything, of the former system is truly replaced (ideas or practices) though much is added. In its wake there are more mechanisms for actual punishment, deeper government ingress into the lives and bodies of convicted offenders, and a wider pool of people are caught up in the penal system. The nation's network of control is considerably expanded by the movement's efforts. Punishment is grown.

Dismal Success– The campaign displays the markers of social movement success. These include evidence of literal gains or inroads for which the movement is directly responsible and a confirmation that both the actors and ideas associated with the movement attain legitimacy. Yet, despite these success indicators, there is no question that the movement is a failure.

Appendix 2.

Community programs

C-1 = Countywide non-profit restorative justice program located in a rural county of a Midwestern state. County population is under 30,000. The program is involved in multiple direct services including victim/offender conferencing, victim impact panels, and teen courts. It maintains relationships with other county programs including the school system. There are paid staff members and a legion of volunteers. (site = C-1; interviews = C-1P)

C-2 = Countywide non-profit restorative justice program located in a Midwestern state. County population is under 75,000. Program is primarily involved in victim/offender conferencing and handles a relatively small case load. There are paid staff and volunteers. (Site = C-2; Interviews = C-2M; C-2T)

C-3 = Community non-profit restorative justice program located in a large city of a Plains state. This program operates inside correctional facilities throughout the entire state. The state houses under 5,000 inmates in over 10 correctional institutions. Work is primarily with offenders. There is paid staff, a small cadre of volunteers, and an active board of directors. (Site = C-3; Interviews = C-3J)

C-4 = Community organization, in a city in a Western state. City population is over 75,000. Program operates in partnership with other local organizations both public and private. It provides direct service via victim/offender/community conferencing. There are paid staff and volunteers. (Site = C-4; Interviews = C-4B; C-4E)

C-5 = Community organization located in a large city in a Western state. Program work focuses on the entire state which has a population under 5 million. Primarily provides support services including trainings and education to locales looking institute restorative justice. Distributes substantial volume of materials. There are paid staff, volunteers, and an active board of directors. (Site = C-5; Interviews = C-5A)

Government programs

G-1 = A state-funded program in a maximum security prison in the Midwest. The institution houses over 1000 inmates though it was built to hold just over 700. The restorative justice component operates within a larger longstanding inmate program. Volunteers, both professionals in the field and lay people, come into the facility and work specifically on restorative issues with each entering cohort. (Site = G-1; Interviews = G-1G; G-1H; G-1J)

G-2 = City-funded program out of the prosecutor's office in a major city in a Midwestern state. City population is just under 600,000. Program is involved in providing direct services such as resolving cases through conferencing as well as spearheading and participating in

outreach and educational programming. There is a paid staff and a small core of highly trained volunteers. (Site = G-2; Interviews = G-2D)

G-3 = Federally funded national program that ran a multiyear restorative justice initiative. The program is designed to provide training and technical assistance to corrections departments and facilities around the country. (Site = G-3; Interviews = G-3M)

G-4 = County program run out of the probation department of a small city in one of the Western states. City population is around 100,000. The program resolves individual cases that meet certain criteria. There is a paid staff and core of highly trained volunteers. (Site = G-4; Interviews = G-4R; G-4J)

Academic programs

A-1 = A program that operates out of a law school at a major public university in a Midwestern state. State population is over 5 million. School is located in a major urban center. Students and professors conduct victim-offender conferencing throughout the state. (Site = A-1; Interviews = A-1P)

A-2 = A center housed in a private university in a Western state. School is located in a major city with a population under 1 million. Degrees in restorative justice are offered. Center publishes and distributes restorative justice materials, conducts outreach, and holds conferences. It works closely with local volunteer organization that conducts victim-offender reconciliation for the city. Organizes and leads multiple parties interested in effecting change in local criminal justice system. Several full-time paid employees. (Site = A-2; Interviews = A-2R; A-2D)

Religious/faith-based programs

R-1 = National faith-based organization with its office in a Southern State. Focuses primarily on outreach, education, and public policy. Provides assistance to those interested in instituting restorative practices. Small staff. Funded by private donors and grants. (Site = R-1; Interviews = R-1P)

R-2 = Faith-based privately run program in a Southern state. Conducts multiweek courses inside correctional facilities around the state. Funding is from private donors, foundations, grants, and Christian congregations. Large volunteer pool and core small staff. (Site = R-2; Interviews = R-2J; R-2G; R-2K)